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PATENT

Attorney Docket No. 09423.0064-01000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Robert REYNOLDS et al.

Application No.: 10/720,598

Filed: November 24, 2003

For: RETRIEVAL BASKET WITH  
RELEASABLE TIP

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)  
) Group Art Unit: 3732  
)  
) Examiner: Heidi Marie EIDE  
)  
) Confirmation No.: 5007  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, Boston Scientific Scimed, Inc., duly organized under the laws of Minnesota and having its principal place of business at One Scimed Place, Maple Grove, MN 55311, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/720,598, filed November 24, 2003 for RETRIEVAL BASKET WITH RELEASABLE TIP in the names of Robert Reynolds, M. Kevin Richardson, and Mark Bowen, as indicated by (1) an Assignment from the inventors to Scimed Life Systems, Inc. duly recorded in the United States Patent and Trademark Office at Reel 015168, Frame 0569 on April 2, 2004, and (2) documents evidencing a change in name from Scimed Life Systems, Inc. to Boston Scientific Scimed, Inc. duly recorded in the United States Patent and Trademark Office at Reel 016655, Frame 0066 on June 3, 2005. Assignee, Boston Scientific Scimed,

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Inc., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,673,080, as indicated by (1) an Assignment from the inventors to Scimed Life Systems, Inc. duly recorded in the United States Patent and Trademark Office at Reel 012684, Frame 0113 on March 6, 2002, and (2) documents evidencing a change in name from Scimed Life Systems, Inc. to Boston Scientific Scimed, Inc. duly recorded in the United States Patent and Trademark Office at Reel 018505, Frame 0868 on November 6, 2006.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,673,080. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination

certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 25, 2009

By: \_\_\_\_\_

  
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